

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-093045

02/08/2006

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT
E. Campo
Deputy

FILED: 02/13/2006

STATE OF ARIZONA

JEANNETTE GALLAGHER

v.

ALAN MARCEL SOJKA (A)

GARY J BEVILACQUA
JOSEPH A STAZZONE

VICTIM SERVICES DIV-CA-SE

TRIAL MINUTE ENTRY
DAY 14

State's Attorney:	Jeannette Gallagher
Defendant's Attorney:	Gary Bevilacqua and Joseph Stazzone
Defendant:	Not Present
Court Reporter:	Kathy Incavo

11:10 a.m. Trial to jury continues from 02/07/2006.

The jurors are not present.

This is the time scheduled for Oral Argument regarding autopsy photos the State intends to introduce as evidence.

Counsel for the Defendant objects to State's exhibits 6, 7, 8, and 46 being admitted in evidence.

Respective counsel present arguments to the Court.

THE COURT FINDS that the photos have probative value.

Based on case law as set forth on the record,

THE COURT FURTHER FINDS that the photos are not unfairly prejudicial.

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IT IS ORDERED overruling the Defendant's Rule 403 objection and allowing the photos to be introduced as evidence.

Respective counsel present arguments on the issue of Dr. Wilson's opinions being referred to during testimony of expert witnesses.

The Court will question the experts outside the presence of the jurors before ruling on the issue.

12:00 p.m. Court recesses.

1:03 p.m. Court reconvenes with respective counsel and Defendant present. The jurors are present.

Court reporter, Kathy Incavo, is present.

Kathryn Coffman, previously sworn, testifies further.

The Court receives a written question from the jurors; same is discussed with counsel and answered as set forth on the record.

FILED: Juror question.

The witness is excused.

2:17 p.m. Court recesses.

2:33 p.m. Court reconvenes with respective counsel and Defendant present. The jurors are present.

Court reporter, Kathy Incavo, is present.

Mark Fischione is sworn and testifies.

State's exhibits 6, 7, 8, 35, 36, 38, 39, 40, 41, 42, 43, 44, and 46 are received in evidence.

State's exhibit 99 is received in evidence.

4:00 p.m. The jurors are reminded of the admonitions and excused from the courtroom; Court remains in session.

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Counsel for Defendant present statements for the record regarding the testimony of Kathryn Coffman.

Court and counsel discuss the allegation that State's counsel is making facial gestures during trial.

Counsel for Defendant present statements for the record regarding the physical position of Dr. Fischione at the jury box during testimony.

Court and counsel discuss procedural matters.

Counsel for Defendant, Mr. Bevilacqua, present statements for the record regarding his perception of the bench conferences held to date in this matter.

The Court has received a written question from the jurors; same is discussed with counsel.

4:17 p.m. Court recesses until 02/09/2006 in this division.